

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CHULA VISTA

February 12, 2002

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:10 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: Davis, Rindone, Padilla, Salas, and Mayor Horton

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Kaheny, and City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- PRESENTATION OF A PROCLAMATION BY MAYOR HORTON TO RACEWALKING COACH ENRIQUE PEÑA, CURT KLAUSEN, AND OTHER RACEWALKERS IN RECOGNITION OF THEIR ACCOMPLISHMENTS AND ACKNOWLEDGING THE UPCOMING NATIONAL RACEWALK CHAMPIONSHIPS TO BE HELD IN CHULA VISTA ON SUNDAY, FEBRUARY 17, 2002 - FOLLOWED BY COMMENTS FROM RECREATION DIRECTOR BUCK MARTIN REGARDING THE DEVELOPMENT OF A YOUTH PROGRAM PARTNERSHIP WITH THE RACEWALKERS

Mayor Horton introduced the racewalkers and read the proclamation; and Deputy Mayor Padilla presented the proclamation to Coach Pena. Recreation Director Martin and Curt Klausen commented on the newly established partnership between the racewalkers and Chula Vista youth.

CONSENT CALENDAR
(Items 1 through 7)

Mayor Horton noted that Item #3 would be continued at the request of staff; and Item #4 would be removed from the Consent Calendar for separate consideration at the request of members of the public. With regard to Item #6, Councilmember Rindone commended Assistant City Manager Powell and his staff for their ability to obtain high returns on the City's investments.

1. APPROVAL OF MINUTES of January 15, January 22, January 29, and February 5, 2002.

Staff recommendation: Council approve the minutes.

CONSENT CALENDAR (Continued)

2. RESOLUTION NO. 2002-036, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SUBMITTAL OF SIX (6) APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE FEDERAL FISCAL YEAR 2003/2004 HAZARD ELIMINATION SAFETY (HES) PROGRAM

The Federal Surface Transportation Assistance Act (FSTAA) of 1982 created the Hazard Elimination Safety (HES) program by combining several existing safety programs. The HES program provides funds for safety improvements on all public roads and highways, except for the interstate system. These funds serve to eliminate or reduce the number and severity of traffic accidents at hazardous public roads and highway locations, sections, and elements. CalTrans regulations require that official applications be submitted in order for projects to be considered for funding. In order for an application to be official, Council must approve a resolution authorizing submittal of the Federal Fiscal Year 2003/2004 HES program. Projects are chosen and then approved for funding after the applications have been evaluated by CalTrans. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AND APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND LINDA BARTZ & ASSOCIATES, FOR THE PROVISION OF LEGAL SERVICES NEEDED FOR THE ACQUISITION OF RIGHT-OF-WAY REQUIRED FOR THE CONSTRUCTION OF THE SALT CREEK GRAVITY SEWER INTERCEPTOR AND THE WOLF CANYON TRUNK SEWER, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

The consultant, Linda Bartz & Associates, currently has a contract with the City for the provision of legal services for a variety of projects. Under this contract, the consultant has provided some services relative to the acquisition of right-of-way for the construction of the Salt Creek gravity sewer interceptor (SW219) and the Wolf Canyon trunk sewer (SW225) projects. However, as design work on the Salt Creek project progressed, it became evident that the consultant's services would be required to a larger extent than was originally anticipated. City staff has recommended approval of a separate agreement with Linda Bartz & Associates for the provision of legal services related to the construction of the Salt Creek gravity sewer interceptor and the Wolf Canyon trunk sewer projects. (Director of Public Works/City Attorney)

Staff recommendation: Council continue this item.

5. RESOLUTION NO. 2002-038, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AND APPROVING A CONTRACTUAL AGREEMENT WITH SOUTH BAY COMMUNITY SERVICES TO PROVIDE GRAFFITI ERADICATION SERVICES

CONSENT CALENDAR (Continued)

The graffiti eradication program removes graffiti from private property when the owner of the property requests assistance through the graffiti hotline. (Chief of Police)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2002-039, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE EXISTING CITY INVESTMENT POLICY AND GUIDELINES TO COMPLY WITH NEW STATE LEGISLATION

Adoption of the resolution amends the existing City investment policy and guidelines to reflect the additional reporting requirements and other minor changes as set forth in Assembly Bills 943, 609 and 2220. (Assistant City Manager Powell)

Staff recommendation: Council adopt the resolution.

- 7 A. RESOLUTION NO. 2002-040, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND MNA CONSULTING FOR LAND USE CONSULTING SERVICES RELATED TO THE REVISED DRAFT MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN, IMPLEMENTING ORDINANCES AND IMPLEMENTING AGREEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT
- B. RESOLUTION NO. 2002-041, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CITY'S FORMAL BIDDING PROCESS, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND DUDEK AND ASSOCIATES, INC. FOR CONSULTING SERVICES FOR PREPARATION AND SUBMITTAL OF A FIRST SCREENCHECK ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT FOR THE REVISED DRAFT MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

Subsequent to City Council's adoption of the draft Multiple Species Conservation Program (MSCP) Subarea Plan in October 2000, environmental conditions changed, which prompted the City to provide further revisions to the draft MSCP Subarea Plan. Adoption of the resolutions approves the fourth amendment to the existing contract with MNA Consulting, for an amount not to exceed \$47,000, for consulting services to include preparation of a revised draft MSCP Subarea Plan; and a new contract with Dudek and Associates, Inc., for an amount not to exceed \$32,900 (with an additional \$8,225 for additional services should they be necessary), for environmental consulting services to begin preparation of CEQA/NEPA-related documents. (Director of Planning and Building)

Staff recommendation: Council adopt the resolutions.

CONSENT CALENDAR (Continued)

ACTION: Mayor Horton moved to approve staff's recommendations and offered Consent Calendar Items #1, #2, and #5 through #7, headings read, texts waived, with Item #3 continued to a future meeting. The motion carried 5-0.

4. RESOLUTION NO. 2002-037, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AGREEING TO A \$10,000 CONTRIBUTION TO SAN DIEGO GAS & ELECTRIC (SDG&E) FOR SIDEWALK CONSTRUCTION ON FOURTH AVENUE, SOUTH OF ORANGE AVENUE, AND APPROPRIATING FUNDS THEREFOR (4/5THS VOTE REQUIRED)

Capital improvement project STL-256 is for a new sidewalk on the west side of Fourth Avenue across an SDG&E easement south of Orange Avenue. Engineering plans have been completed for this 250-foot segment of missing sidewalk, but funding for the project is not scheduled until Fiscal Year 2003/2004. The adjoining property owner, SDG&E, has made an offer to construct the sidewalk if the City participates. (Director of Public Works)

Tony Carbasal, 444 Anita Street #110, spoke on behalf of himself and his neighbors in support of the project and thanked Councilmember Salas for her assistance in furthering the project.

Ralph G. Brown, 444 Anita Street #97, also supported the project and thanked Councilmember Salas.

ACTION: Councilmember Salas thanked SDG&E for its contribution to the community and offered Resolution 2002-037, heading read, text waived. The motion carried 5-0.

ORAL COMMUNICATIONS

David Lancaster, 339 East J Street, opposed having his sewer service charge added to his property tax bill.

Ben Pedillo, resident of El Cajon and owner of rental property in Chula Vista, also opposed the addition of sewer service charges to his property tax bill, stating that the charges should be paid directly by those who use the service.

ACTION ITEMS

8. CONSIDERATION OF APPROVAL OF A BUSINESS INCENTIVE AGREEMENT WITH EASTLAKE DEVELOPMENT CORPORATION, HITACHI HOME ELECTRONICS (AMERICA), INC., AND MC MAHON DEVELOPMENT GROUP

In November 1999, Council approved a business incentive agreement with EastLake Development Company, which resulted in Leviton building its 90,000 square-foot western regional R&D facility in Chula Vista. The agreement not only enabled the

ACTION ITEMS (Continued)

attraction of Leviton, but also required EastLake to entitle the remaining 80 acres of business park, bringing much needed light manufacturing/R&D land on line, available for immediate development by other hi-tech employers. The EastLake incentive agreement paved the way for the recruitment of DNP, a subsidiary of Dai Nippon Ltd, which recently announced the location of its electronics manufacturing plant in EastLake, and now paves the way for the recruitment of a new Chula Vista benchmark – the North American headquarters of Hitachi Home Electronics (America). (Director of Community Development)

Economic Development Manager Dye presented the provisions of the proposed agreement. The Mayor and Councilmembers congratulated all those who contributed in bringing the significant project to Chula Vista.

ACTION: Mayor Horton offered the following resolutions, headings read, texts waived:

RESOLUTION NO. 2002-042, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A BUSINESS INCENTIVE AGREEMENT WITH EASTLAKE DEVELOPMENT CORPORATION, HITACHI HOME ELECTRONICS (AMERICA), INC., AND MC MAHON DEVELOPMENT GROUP, AND AUTHORIZING MAYOR TO EXECUTE SAME

RESOLUTION NO. 2002-043, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CITY PAYMENT OVER TEN YEARS OF \$157,170 IN PUBLIC FACILITY DEVELOPMENT IMPACT FEES (PFDIF), WAIVING \$45,341 IN VARIOUS PROCESSING AND PERMIT FEES, AND APPROPRIATING \$15,717 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND FOR THE FIRST YEAR PAYMENT OF PFDIF (4/5THS VOTE REQUIRED)

RESOLUTION NO. 2002-044, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AND APPROPRIATING \$91,742 IN CDBG FUNDS FOR PAYMENT OF SPECIFIC CITY PROCESSING FEES AND PERMITS (4/5THS VOTE REQUIRED)

The motion carried 5-0.

OTHER BUSINESS

9. CITY MANAGER'S REPORTS

There were none.

OTHER BUSINESS (Continued)

10. MAYOR'S REPORTS

- A. Ratification of appointment to the Housing Advisory Commission – Greg Alabado.

ACTION: Mayor Horton moved to ratify the appointment of Greg Alabado to the Housing Advisory Commission. Councilmember Salas seconded the motion, and it carried 5-0.

- B. Consideration of approval of letter to California Public Utilities Commission regarding allocation of Department of Water Resources power contract costs among the state's electric utilities.

Mayor Horton submitted a letter she had sent to the California Public Utilities Commission and suggested that Councilmembers might want to send a follow-up letter to the CPUC.

ACTION: Councilmember Davis moved to send a follow-up letter via e-mail to the CPUC from the full Council. Deputy Mayor Padilla seconded the motion, and it carried 5-0.

- C. Mayor Horton read a letter from the Marysville Professional Firefighters Local 3129 expressing gratitude to Chula Vista firefighters for their support and fellowship to a terminally ill Marysville firefighter who was hospitalized in Chula Vista and for their assistance to the family of the firefighter, who died on September 11th.

- D. Mayor Horton requested to reconvene and update the membership of the UC Chula Vista Task Force.

ACTION: It was the consensus of the Council to approve the Mayor's request to reconvene the task force and update its membership and also to extend an invitation to John Jolliffe and Jerrold Siegel to become members of the task force.

11. COUNCIL COMMENTS

Councilmember Rindone announced that new Port Commissioner William Hall will be sworn in on February 26th at 1:00 p.m. and that Councilmembers and the public were welcome to attend the ceremony at Port District offices.

ADJOURNMENT

At 7:08 p.m., Mayor Horton adjourned the meeting to the Regular Meeting of February 19, 2002, at 6:00 p.m. in the Council Chambers.

Susan Bigelow, CMC, City Clerk